

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OA) No.40 of 2016

Sri Santanu Bhoi & Others

....

Petitioners

None

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. Nilambar Jena, Standing Counsel for S & ME

CORAM:

JUSTICE M.S. RAMAN

ORDER

20.07.2022

Order No.

18.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No. 40 of 2016 was filed before the State Administrative Tribunal, Bhubaneswar. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OA) No. 40 of 2016.
3. The Petitioners, working as Primary School Teachers (Level-V) in different Primary Schools under Zilla Parishad, Samalpur. The claim of the Petitioners is that the scale of pay by Primary School Teachers has not been appropriately fixed/restructured as recommended in 6th Pay Commission as per Odisha Revised Scale of Pay Rules, 2008.
4. It is submitted that as per explanation-1(a) of sub-rule (6) of Rule 15 of Odisha Elementary Education (Method of Recruitment and Conditions of Service of Teachers and Officers) Rules, 2014, all the persons working as Primary School Teachers under Zilla Parishad having requisite qualification i.e., CT & B.Ed. are treated as member of Level-V of the services.
5. Mr. Nilambar Jena, Standing Counsel for School and Mass Education referent to Para 3 & 4 of the counter submitted that the case of the Petitioners is not liable to be considered. The text of Para 3 & 4 of the counter is quoted hereunder:-

“xxx

xxx

xxx

xxx

3. That, the applicants were appointed initially as Sikshya Sahayak on a consolidated salary. Subsequently all the applicants after completion of six years of satisfactory engagement as Sikshya Sahayak and Junior Teacher taken together were appointed as regular Primary School Teacher (Level-V) under Zilla Parisad, Sambalpur against existing vacancies in the Scale of Pay of Rs.5200-20200/- with Grade Pay of Rs.2200/- along with usual DA and other allowances as admissible from time to time under ORSP Rules, 2008.

4. That, the Govt. of Odisha, School and Mass Education Department vide Letter No.371/SME dtd.03.01.2014 and as per Letter No.23083 dtd.31.12.2016 of Director, Elementary Education, Odisha, Bhubaneswar address to all the DEOs and B.E.Os of the State that the scale of Pay i.e., 9300-34800/-, GP-4200/- is only admissible to the T.G. Teachers holding the post of Headmaster/SIS in the U.P. School. All other teachers are eligible to pay scale i.e., 5200-20200/- with Grade Pay 2200/- under ORSP Rules-2008. (Copy of Letter No.371/SME dtd.03.01.2014 & Letter No.23083 dtd.31.12.2016 is annexed herewith as Annexure-A/1 & A/2)''

6. It seems from the record that the Petitioners have approached the Government by way of representation seeking consideration at par with Staff Nurses who have been allowed benefit as per Odisha Revised Scale of Pay Rules, 2008.

7. None appears for the Petitioner at the time of call.

8. The counter as relied on by the Standing Counsel does not reveal consideration of the representation of the Petitioners. Therefore without entering into merit of the matter, the Opposite Party No.1 is directed to consider the representation dated 25th November, 2015, stated to have been pending before him, within a period of three months. Necessary reasoned order be communicated to the Petitioners.

9. With the aforesaid direction, the writ petition stands disposed of.

(M.S. Raman)
Judge